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5 | Counsel for Defendant ADROW

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) No. CR-12-0704 CW
Plaintiff,)
v.) **STIPULATION AND [PROPOSED]
ORDER SETTING MOTION SCHEDULE**
MANUEL ADROW,) Hearing Date: February 25, 2013
Defendants.) Court: Hon. Claudia Wilken

16 The above-captioned matter is set on February 25, 2013 before this Court for
17 motion setting. The defense intends to file a motion to suppress evidence obtained as a
18 result of a warrantless seizure and subsequent questioning of the defendant. Accordingly,
19 the parties request that this Court continue the matter to April 15, 2013 at 2:00 p.m. for
20 hearing on defendant's motion to suppress. The parties propose the following briefing
21 schedule:

22 || Defense Motion: March 18, 2013

23 || Government Opposition: April 1, 2013

24 | Defense Reply: April 8, 2013

25 || Hearing: April 15, 2013

26 The parties agree that an exclusion of time under the Speedy Trial Act, 18 U.S.C. §§

1 3161(h)(7)(A) and (B)(iv) is appropriate between February 25, 2013 and March 18, 2013
2 for adequate preparation of counsel. The defense is engaged in ongoing review of discovery
3 and investigation in this matter and legal research related to the motion to suppress. The
4 requested continuance will allow the defense to further its investigation of the underlying
5 facts of the case and to obtain and review necessary records. The failure to grant such a
6 continuance would unreasonably deny counsel for the defendant the reasonable time
7 necessary for effective preparation, taking into account the exercise of due diligence.
8 Further, once the motion is filed, time is excludable under 18 U.S.C. § 3161(h)(1)(D) based
9 on the filing and disposition of a pretrial motion.

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11 February 21, 2013

/s/
NED SMOCK
Assistant Federal Public Defender
Attorney for Manuel Adrow

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February 21, 2013

/s/
BRIAN LEWIS
Assistant United States Attorney

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ORDER

2 Based on the reasons provided in the stipulation of the parties above, the Court
3 hereby adopts the following motion schedule for defendant's motion to suppress:

4 | Defense Motion: March 18, 2013

5 || Government Opposition: April 1, 2013

6 | Defense Reply: April 8, 2013

7 || Hearing: April 15, 2013

8 Based on these findings, IT IS HEREBY ORDERED THAT the motion setting
9 hearing date of February 25, 2013 is vacated and the matter is calendared for hearing on the
10 defense motion on April 15, 2013. It is further ordered that based on the reasons set forth
11 above, time is excluded from February 25, 2013 through April 15, 2013 pursuant to 18
12 U.S.C. §§ 3161(h)(7)(A) and (B)(iv) and 18 U.S.C. § 3161(h)(1)(D).

IT IS SO ORDERED.

Date

2/22/2013


HON. CLAUDIA WILKEN
Chief United States District Judge